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REVISED NORTHERN CHEYENNE LAW
& ORDER CODE

TITLE 19
ENROLLMENT CODE

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Chapter 1. ENROLLMENT

19-1-1. Authority. The authority for writing rules of procedure covering membership in the Northern Cheyenne Tribe is found in Article II, Section 2, of the amended Constitution and Bylaws of the Northern Cheyenne Tribe.

19-1-2. Purpose. To set forth procedures for enrollment of eligible person and maintenance of a current membership roll.

19-1-3. Definitions.

- A. "Applicant" means the individual who desires to be enrolled with the Northern Cheyenne Tribe.
- B. "Secretary" means Secretary of the Interior or his authorized representative.
- C. "Superintendent" means officer of the Northern Cheyenne Agency or is designated representative.
- D. "Committee" means the group of appointed and authorized to review application for enrollment.
- E. "Evidence of Eligibility" means such documents as notarial letters of affidavit, tribal or agency records, birth or baptismal certificates, and certified documents from individual or the Agency.

19-2-1. Eligibility for Enrollment.

- A. All persons born after September 1, 1964, who are ½ or more Northern Cheyenne Indian blood, born to a member descendent of a member of the Northern Cheyenne Tribe whose name is on the Basic 1935 approved membership roll or the official October 23, 1962 roll or its supplements.
- ~~B. Any individual, who by an Ordinance enacted by the Tribal Council, may be adopted into the Northern Cheyenne Tribe provided such individual possess at least 1/8 (one eighth) Northern Cheyenne blood quantum. [Per Ordinance No. 3(90)]~~

19-3-1. Referendum Vote. At least 10 percent of the registered voters from each district must sign a petition to demand a referendum vote on any tribal adoption of an individual or the elimination of an individual from the tribal roll. The vote of the majority of the qualified voters voting in such referendum shall be conclusive, provided at least 30 percent of the eligible voters vote in such a referendum.

19-4-1. Enrollment Committee. The Tribal Council shall by resolution, delegate the Executive Committee as the Enrollment Committee of the Northern Cheyenne Tribe (Resolution No. 116 (85)) The Enrollment Committee shall review all applications for

membership and recommend to the Tribal council approval or rejection. This Committee has the authority to require the applicant to furnish such evidence or proof as the Committee deems necessary. The Enrollment Committee shall meet Quarterly (every 3 months). The Committee shall develop an application form for use in making and application for enrollment (See Section 7 of this procedure for format).

19-5-1. Enrollment of Eligible Applicants. The Tribal Council shall review, at their next regular meeting, the recommendations of the Executive Committee and shall enact a resolution or ordinance to enroll or reject the applicants as recommended by the Committee. The decision of the Tribal Council, in approval or rejection of enrollment by adoption shall be final, unless appealed. The Council shall instruct the Tribal Secretary to have the names of applicants approved for enrollment entered on the roll, stating under what authority enrollment is approved. Those whose applications were not approved shall be notified by the Tribal Secretary by certified mail, stating the reason why they were not approved and their right of appeal.

19-6-1. Application for Enrollment.

- A. Enrollment of a child is the responsibility of the parent, guardian, or next of kin. An application for enrollment shall be filed with the Executive Committee on behalf of the child as soon as reasonably possible after the birthdate and shall be supported by documentary evidence of eligibility.
- B. Any person who believes they meet the requirements for membership in the Northern Cheyenne Tribe, as provided in Section 19-2-1(a) or 19-1-6 of, these procedures, may submit to the Executive committee an application for enrollment anytime after reaching the age of 18, if through no fault of his own and/or oversight or neglect of persons legally responsible for him provided no previous application for enrollment was submitted for him. The application shall be accompanied with supporting documents as evidence of eligibility.
- C. Applications for persons handicapped, of a minor age, or incompetent, may be filed by a parent, next of kin, recognized guardian, or other responsible persons pursuant to (A) or (B) above. Supporting documents as evidence of eligibility shall accompany each application.

19-7-1. Application Form.

- A. Application form for enrollment may be obtained from the Northern Cheyenne Tribal Office.
- B. The form "Application for Enrollment", shall contain the following information:
 - 1. Name and address of the applicant.
 - 2. Indian, maiden or other name by which applicant is also known.
 - 3. Date and place of birth of the applicant.

4. Residence of parents at time of applicant's birth.
5. If the applicant is a minor or incompetent, the name, address, and relationship of the person making the application.
6. The name, address, and degree of Indian blood, both tribal and total, (as verified or corrected by the Executive Committee in accordance with official records) of each parent of the applicant.
7. The name, address, relationship, allotment number, if any, or other identification number of the ancestors through whom enrollment is claimed.
8. Certification by the Executive Committee that applicant is not already enrolled with Tribe or Reservations other than Northern Cheyenne, if applicant is eligible for enrollment in other tribes.
9. Notation and certification by applicant or person applying in applicant's behalf that the information given on application is true, and if found fraudulent in any way will be grounds for removal of the applicant's name from the membership roll.
10. A certified copy of unregulated information may be obtained for a fee of \$4.00 (birthdate, enrollment Number, Degree of Indian Blood).

19-8-1. Burden of Proof. It is the responsibility of the person making the application to prove eligibility for enrollment.

19-9-1. Appeal and Protest Procedure.

- A. An appeal is a written request for reconsideration of the enrollment of an individual.
- B. A Protest is a written statement contesting the omission or inclusion of an individual's name on the membership roll.

19-10-1. Who May Appeal or Protest.

- A. Any member of the Northern Cheyenne Tribe on behalf or against any Individual.
- B. Either parent, guardian, or next of kin in any minor or incompetent involved.
- C. Any person whose enrollment is in question, or whose application for enrollment has been rejected.

19-11-1. Filing Appeal or Protest. An Appeal or Protest shall be made within 30 days after Tribal Council action on the questioned enrollment. Appeals or pro-tests shall be filed with the Secretary of the Tribal Council. Failure to file within deadline shall be

conclusive evidence of non-interest and terminate the right to appeal. An Appeal or Protest shall be in writing and addressed to the Tribal Council for consideration. The Tribal Council Secretary shall coordinate all protests and appeals and ensure they make the Tribal Council agenda.

19-12-1. Supporting Evidence. All Appeals and Protests shall be supported by official documents, records, and evidence bearing on the question raised as proof of eligibility for enrollment, or inclusion or deletion from the roll.

19-13-1. Review of Appeal or Protest by Tribal Council. The Tribal Council shall have the privilege of examining an Appeal or Protest, taking into consideration additional documents and preparing such evidence as it may consider proper in support of its action. The Council may consider at the next regular meeting any Appeal or Protest submitted and prepare in writing pertinent statements, supported by Tribal or Agency records, which have a bearing on the case.

- A. If the Tribal Council, upon review of an Appeal or Protest, is satisfied that the right to enrollment of the individual has been established, it shall enact a resolution or ordinance to include the name of the applicant on the official tribal membership roll, or in the case of a Protest, omit or include the name in accordance with the decision. The Council shall further instruct Tribal Secretary to have the name added to or removed from the roll, as the case may be, and notify the individual of the action taken.
- B. If the Council upon review of an Appeal or Protest rules against the individual being considered for enrollment, all pertinent records, transcripts of hearings, copies of any affidavits and documents considered, minutes of any meeting of the enrollment committee and/or Tribal Council, which acted on the application, copy of tribal constitution or members ordinance applicable, and a copy of the recommendations of the enrollment committee and/or Tribal Council, which acted on the application, copy of tribal constitution or membership ordinance applicable, and a copy of the recommendations of the enrollment committee and Tribal Council decision shall be attached, and sent to the Bureau of Indian Affairs for record purposes.

19-14-1. Adopted Children, their Eligibility for Enrollment.

- A. Non-Indian children adopted by members of the Tribe are not eligible for enrollment.
- B. Children of Indian descent adopted by members of the Tribe may not be enrolled, unless they meet the requirements for enrollment in the Northern Cheyenne Tribe or are adopted into the Tribe, as specified in 19-2-1(B) of this procedure.
- C. Children of tribal members adopted by non-members of non-Indians may be enrolled, if they meet the requirements for enrollment. If adoption records are confidential in nature, it is not necessary to show the names of the natural parents. A statement by the Agency Welfare Office certifying

degree of Indian blood of the child or natural parents may be used for determination of eligibility for enrollment of the child.

19-15-1. Determination of Blood Quantum.

- A. Total Indian Blood – the total recognized Indian Blood of the father and mother is added together and divided by two.
- B. Northern Cheyenne Indian Blood – where one or both parents are enrolled members of the Northern Cheyenne Tribe, the total Northern Cheyenne blood of the father and mother is added together and then divided by two.
- C. In cases of unmarried parents, but where the father acknowledges paternity of the child, one-half of the Indian blood of the father may be allowed to the child. Otherwise only one-half of the mother's blood is allowed for the child. If the father acknowledges paternity, documentary evidence must be furnished to establish the fact. A birth certificate showing the name of a person as the father cannot be the only document for support of paternity, but an order from the Tribal Judge or other persons of responsibility naming the father, after review of the facts, will be considered adequate proof.

19-16-1. Dual Enrollment. A person may meet requirements for membership in a tribe besides the Northern Cheyenne Tribe. If he is enrolled in more than one tribe, he must decide in which tribe he wishes to be enrolled, unless he has accepted payment(s) from one of the tribe, in which case he shall be considered enrolled in that tribe. If no payment has been made to him for either tribe, he shall relinquish in writing his claim to membership on one of them. In the case of a minor or incompetent the parent having custody, or the guardian, or other person acting in his behalf makes the selection.

19-17-1. Relinquishment of Membership.

- A. Any member of the Northern Cheyenne Tribe may relinquish his membership by filing a notice in writing to the Northern Cheyenne Tribal Council stating he no longer wishes to be enrolled. When such a request is received the Council shall enact an ordinance to remove the individual's name from the membership roll and state this person is no longer to be considered a member nor share in any rights as a member of the Northern Cheyenne Tribe. The name of the individual then shall be marked through on the membership roll and date and number of the ordinance noted, and also by whom the entry is made.
- B. In the case of a minor or incompetent the parent having custody, or the guardian, or other person acting in his behalf makes the determination for relinquishment of enrollment.

19-18-1. Maintenance of Tribal Membership Roll.

- A. A current membership roll of the Northern Cheyenne Tribe shall be maintained. Unless otherwise assigned, the work of maintaining the roll is the responsibility of the Tribal Secretary.

B. The Northern Cheyenne membership rolls of January 1, 1935 and October 23, 1962 (including supplements of individuals enrolled as of September 1, 1964) shall be used as official sources of information.

C. The membership roll shall be maintained by:

1. Making through names and making appropriate notations of those persons who relinquish in writing their membership.
2. Making through names of deceased persons, and making appropriate notations, upon receipt of evidence of death.
3. Adding thereto the names of individuals duly accepted for enrollment, including those adopted into membership, citing authority under which enrolled and resolution number, if any.
4. Deleting from the roll names of descendants of allottees whose enrollment is based on information subsequently determined to be inaccurate or fraudulent, subject to authorization by a resolution of the Tribal Council and approval of the Secretary.
5. A supplemental roll shall be prepared yearly to list additional enrollees born after the establishment and approval of the official membership roll, (October 23, 1962 roll plus supplements which include individuals enrolled as of September 1, 1964, cut-off date for the Northern Cheyenne Judgment Fund.)

19-19-1. Eligibility to Share in Tribal Assets. No benefits arising of enrollment which have already been approved, accrued or paid out in the past shall be awarded a new enrollee. Enrolled individuals are eligible for per capita payments only from the date that are enrolled and thereafter. No back per capitass shall ever be paid for new enrollees.

19-20-1. Finality of the Roll. Since the Northern Cheyenne Tribal Council established the October 23, 1962 Roll and Supplements (which include individuals enrolled as of September 1, 1964) as correct and current, and enacted a resolution accepting the roll as the official membership roll, this roll shall be considered conclusive fort the addition of persons born after September 1, 1964, who are duly enrolled by action of the Trial Council.

19-21-1. Cost of Preparation of Roll. All tribal costs incurred in the preparation and maintenance of the Tribal Membership Roll shall be paid by appropriate withdrawals from available tribal funds.

19-22-1. Bureau of Indian Affairs Involvement. Enrollment is purely a sovereign tribal right. Only the Tribal Council can determine who or who is not to be members of this Tribe. Therefore, if the Tribe makes any mistake on enrollment the Bureau of Indian Affairs is requested to honor the action of the Tribal Council and address by letter any mistakes that the Bureau may catch and the Tribe missed. The Tribe will then consider the problem that the Bureau identified and take appropriate action to remedy the mistake.

19-23-1. Prior Election Law. Ordinance 1(67) and Resolution 3(82) are repealed upon enactment of this updated enrollment ordinance.

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